

BEST AVAILABLE COPYDocket: PHD 99,200
Application: 09/868,386REMARKS

This amendment is in response to the Examiner's Office Action dated October 19, 2005. Reconsideration of this application is respectfully requested in view of the foregoing amendment and the remarks that follow.

STATUS OF CLAIMS

Claims 1-15 are pending.

Claims 1, 5, 6, 11, 12, and 14 stand objected to because of informalities.

Claims 1-5, 7, 9, 10, and 13-15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by US 5,898,679 (Brederveld).

Claims 6 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US 5,898,679 (Brederveld).

Claims 11 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US 5,898,679 (Brederveld) in view of US 5,907,540 (Hayashi).

In the Specification

Amendments are made herewith in order to overcome Examiner's objections to the language of the specification and abstract. No new matter was added.

In the ClaimsREJECTIONS UNDER 35 U.S.C. § 102(e)

Claims 1-5, 7, 9, 10, and 13-15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by US 5,898,679 (Brederveld et al), hereafter Brederveld. To be properly rejected under 35 U.S.C. § 102, each and every element of the claims must be disclosed in a single cited

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reference. The applicants, however, contend that the presently claimed invention cannot be anticipated in view of the Brederveld. Applicant believes that Brederveld does not disclose many of the elements of the claims of the present invention as will be detailed below.

Brederveld is a wireless relay system with selective message repeat. Brederveld's disclosure is directed to determining if a message was properly received or needs to be repeated. The examiner appears to have used the reference for its very basic system infrastructure teachings. The reference appears to disclose an access point (AP), relay stations (RS), and mobile stations (MS) and the ability to send a message from the AP, through a relay station to a remote mobile station, even though it is beyond broadcast range (col. 4, lines 59-61, etc.). However, no discussion exists within the examiner's citation of column 4, lines 57-64 (nor in the remainder of the document, including figures) of the ability to guarantee service quality through a partial frame structure. Brederveld's disclosure is simply limited to discussions of monitoring for a repeat signal to relinquish a requirement to repeat a unicast message. Without even a minimal discussion of the frame structure of the transmissions between terminals, the reference cannot be properly used to reject the claims. The examiner has failed to particularly point out each and every feature of the claims in the prior art. More specifically, the claims present many novel aspects with respect to frame structures and use thereof between terminals which are not disclosed, nor suggested by the Brederveld reference. The examiner has pointed to figures to support various frame structure elements; however, the figures do not show frame structures. Figure 1 appears to show a system diagram; figure 2, a timing diagram, and figures 3-6B illustrate flow diagrams for the process of recognizing an acknowledge signal and stopping a repeating message. The examiner is invited to explicitly show which elements of the figures detail or suggest frame structure. Absent this showing, the reference cannot be properly used to reject the claims of the present invention.

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As stated above, to be properly rejected under 35 U.S.C. §102, each and every element of claims must be disclosed in a single cited reference. The applicants, however, contend that the presently claimed invention cannot be anticipated in view of Brederveld based on the many missing features not disclosed, nor suggested by the reference.

REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 6 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US 5,898,679 (Brederveld). The examiner has rejected claims 6 and 8 under the premise that it would have been obvious to have modified Brederveld because it would be beneficial to "extend the range of the access point" (claim 6) and increase efficiency (claim 8). However, the examiner has failed to point out the teaching, suggestion, or motivation to do so in Brederveld. Brederveld is not concerned with these improvements and limits discussions to recognizing when it is acceptable to stop repeating a unicast message. The reference must provide the motivation to modify, not the language of applicant's claims. In addition, these claims are dependent on independent claim 1 and fail to provide or suggest the partial frame structure elements as required (see previous discussion).

Claims 11 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US 5,898,679 (Brederveld) in view of US 5,907,540 (Hayashi). The examiner has added the Hayashi reference in an attempt to show features not disclosed in Brederveld. However, as Brederveld provides no discussion of frame structure, no motivation exists to combine with Hayashi to illustrate specific frame structures. Even if the combination were deemed proper, Hayashi is limited to figure 7 and 10 discussions of a data frame and search frame (respectively) without a discussion of partial frame structures between the AP/FMT/RMT, nor their field length

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or phase. The examiner's assertion that they are different and therefore must provide length and phase variances is unsupported.

SUMMARY

As has been detailed above, none of the references, cited or applied, provide for the specific claimed details of applicants' presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

As this amendment has been timely filed within the set period of response, no petition for extension of time or associated fee is required. However, the Commissioner is hereby authorized to charge any deficiencies in the fees provided to Deposit Account No. 12-0010.

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicants' representative at the below number.

Respectfully submitted,



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